

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD L. PARENTEAU, JR.,

Plaintiff,

Case No. C17-1319-RSM-JPD

V.

DONALD JAMES RAZ,

Defendant.

REPORT AND RECOMMENDATION

On August 31, 2017, plaintiff submitted to this Court for filing a civil rights complaint

under 42 U.S.C. § 1983 together with an application to proceed with this action *in forma pauperis*.

pauperis. (See Dkt. 1.) Plaintiff alleged in his complaint that Donald Raz, a prosecutor

employed by the King County Prosecuting Attorney's Office, had violated his constitutional

rights by falsely charging him without any evidence to support the charges. (See Dkt. 5 at 3.)

Plaintiff asserted that he had suffered severe emotional distress as a result of having been false.

imprisoned for over three years. (*Id.*) Donald Raz was the only defendant named in the

complaint. (See *id.* at 2.) Plaintiff requested monetary damages in an unspecified amount. (See

¹⁴ *id.* at 4.)

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1 On September 21, 2017, the Court issued an Order granting plaintiff's application to
2 proceed *in forma pauperis* and his complaint was filed. (Dkts. 4 and 5.) On the same date, this
3 Court issued an Order directing plaintiff to show cause why this action should not be dismissed
4 pursuant to 28 U.S.C. § 1915(e)(2)(B). (Dkt. 6.) The Court explained in its Order to Show
5 Cause that it appeared Mr. Raz was immune from liability for damages in this action because the
6 actions complained of by plaintiff were taken by Mr. Raz in his role as a prosecutor for King
7 County, and in the context of plaintiff's pending state court criminal proceedings. (*See id.* at 2,
8 citing *Briscoe v. LaHue*, 460 U.S. 325, 334-36 (1983); *Imbler v. Pachtman*, 424 U.S. 409
9 (1976).) The Court further explained that even if Mr. Raz were not entitled to prosecutorial
10 immunity, it appeared unlikely this action could proceed given that plaintiff's criminal
11 proceedings were ongoing and plaintiff had not identified any extraordinary circumstances which
12 would justify this Court's intervention in those proceedings. (*Id.*, citing *Younger v. Harris*, 401
13 U.S. 37 (1971).)

14 Plaintiff was granted thirty days within which to file a response to the Order to Show
15 Cause, and was advised that his failure to file a timely response to the Order would result in a
16 recommendation that this action be dismissed. (*Id.* at 2-3.) To date, plaintiff has filed no
17 response to the Order to Show Cause.

18 When a complaint is frivolous, malicious, fails to state a claim upon which relief may be
19 granted, or seeks monetary relief against a defendant who is immune from such relief, the Court
20 may dismiss an *in forma pauperis* complaint before service of process under 28 U.S.C.
21 § 1915(e)(2)(B). Because plaintiff failed to identify in his complaint any viable defendant or any
22 cognizable claim for relief, and because he failed to respond in any fashion to the Order to Show
23 Cause, this Court recommends that plaintiff's complaint and this action be dismissed, with

1 prejudice, pursuant to § 1915(e)(2)(B). A proposed order accompanies this Report and
2 Recommendation.

3 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
4 served upon all parties to this suit by no later than **December 4, 2017**. Failure to file objections
5 within the specified time may affect your right to appeal. Objections should be noted for
6 consideration on the District Judge's motion calendar for the third Friday after they are filed.
7 Responses to objections may be filed within **fourteen (14)** days after service of objections. If no
8 timely objections are filed, the matter will be ready for consideration by the District Judge on
9 **December 8, 2017**.

10 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
11 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
12 assigned District Judge acts on this Report and Recommendation.

13 DATED this 13th day of November, 2017.

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16 JAMES P. DONOHUE
Chief United States Magistrate Judge

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